

### **DETAILED ACTION**

1. Acknowledgment is made of Applicant's amendment, which was received by the Office on October 27, 2008. Claims 13, 21, 48, 62, 64, 72, 73, 75, 76, 79-81, 83 and 87-89 have been cancelled. Claims 2, 3, 8, 24, 28-31, 44, 56-60, 71 and 77 were previously cancelled. Claims 1, 4-7, 9-12, 14-20, 22, 23, 25-27, 32-43, 45-47, 49-55, 61, 63, 65-70, 74, 78, 82 and 84-86 are currently pending.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on October 27, 2008 has been acknowledged and considered by the Examiner. The article by Cao et al., titled "Cortical Language Activation in Stroke Patients Recovering From Aphasia With Functional MRI" has been lined-through since it was previously cited and made of record by the Examiner (see the PTO-892 dated April 18, 2006).

3. The information disclosure statement (IDS) submitted on October 28, 2008 has been acknowledged and considered by the Examiner.

#### ***Allowable Subject Matter***

4. Claims 1, 4-7, 9-12, 14-20, 22, 23, 25-27, 32-43, 45-47, 49-55, 61, 63, 65-70, 74, 78, 82 and 84-86 are allowed.

5. The following is an Examiner's statement of reasons for allowance:

Applicant's independent claims recite details of methods for treating a language disorder in a patient and/or methods for selecting a stimulation site in a language-disorder patient comprising, among other steps, "administering a neuroexcitatory drug to a patient", "directing the patient to perform a language-based task", and "directing information to be collected, the information corresponding to a level of neural activity in the patient's brain while the patient performs the language-based task with the neuroexcitatory drug active in the patient's body". It is known in the prior art to treat a language disorder and/or to select a stimulation site in a language-disorder patient via methods that comprise, among other steps, "directing a patient to perform a language-based task" and "directing information to be collected, the information

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corresponding to a level of neural activity in the patient's brain while the patient performs the language-based task", and reducing and/or treating a language-disorder of the patient "by applying an electrical stimulation at least proximate one or more stimulation sites, with locations of all the stimulations sites for receiving electrical stimulation at the patient's brain and being based at least in part on the information" and it is also known in the prior art to administer a neuroexcitatory drug to such a patient and apply such electrical stimulation to such one or more stimulation sites "while the drug is active in the patient's bod" (e.g., see Firlik et al. [U.S. 2002/0091419], herein Firlik '419, as particularly referenced by the Examiner throughout the previous Office Action dated June 25, 2008). However, it is neither shown nor taught in the prior art to treat a language-disorder in a patient and/or to select a stimulation site in a language-disorder patient by a method comprising, among other steps, "administering a neuroexcitatory drug to a patient", "directing the patient to perform a language-based task", and "directing information to be collected, the information corresponding to a level of neural activity in the patient's brain *while the patient performs the language-based task with the neuroexcitatory drug active in the patient's body*" for reducing and/or treating a language-disorder of the patient "by applying an electrical stimulation at least proximate one or more stimulation sites, with locations of all the stimulations sites for receiving electrical stimulation at the patient's brain and being based at least in part on the information" (emphasis added). Specifically, the prior art fails to show or teach *all* of the Applicant's claimed invention and fails to show or teach any obviousness type improvement over the known prior art and as a result, the Examiner deems Claims 1, 4-7, 9-12, 14-20, 22, 23, 25-27, 32-43, 45-47, 49-55, 61, 63, 65-70, 74, 78, 82 and 84-86 to be allowable over the prior art.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA REIDEL whose telephone number is (571)272-2129. The examiner can normally be reached on Monday - Friday, 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl H. Layno can be reached on (571)272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jessica L. Reidel/  
Patent Examiner, Art Unit 3766  
February 27, 2009

/Carl H. Layno/  
Supervisory Patent Examiner, Art Unit  
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